

**MEMO ENDORSED**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the matter of

BEST PAYPHONES, INC.,

Debtor

BEST PAYPHONES, INC.,

Debtor-Appellant,

-against-

MANHATTAN TELECOMMUNICATIONS  
CORPORATION,

Claimant-Appellee.

Case No. ~~01-B-15472 (SMB)~~Chapter ~~11~~ USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 4/18/08

Docket Nos. 07-CV-6170, 08-CV-

8554 (PKC)

2554 (PKC)

NOTICE OF MOTION

FOR RECONSIDERATION

PLEASE TAKE NOTICE that upon the annexed Memorandum of GEORGE M.

GILMER, ESQ., and upon all papers and proceedings heretofore had herein, the undersigned will move this Court pursuant to Local Rule 6.3, before the Hon. P. Kevin Castel, Judge of the District Court, at the District Courthouse, 500 Pearl Street New York, New York, Room 2260, on the 1<sup>st</sup> day of May, 2008, at 10:00 o'clock in the forenoon thereof, or as soon thereafter as counsel can be heard, for an Order pursuant to Fed.R.Civ.P. 59 granting reconsideration of the Judgment, entered on April 4, 2008, that dismissed the above-entitled action, on the grounds that the Court overlooked a controlling principle of law, and granting such other and further relief as the Court deems necessary and proper in the circumstances.

PLEASE TAKE FURTHER NOTICE that pursuant to the Local Rules of the United

States District Court for the Southern District of New York, any answering papers must be

*This motion was filed on April 18, 2008 and is deemed timely.*

So Ordered:

*[Signature]*  
Hon. P. Kevin Castel U.S.D.C.

5/7/08

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served on the undersigned not later than ten (10) business days after service of this motion is complete.

Dated: Brooklyn, New York,  
April 18, 2008

Yours, etc.,  
/s/ George M. Gilmer  
GEORGE M. GILMER, ESQ. (GG-5479)  
943 Fourth Avenue  
Brooklyn, NY 11232  
718-788-0100

To:  
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1540 Broadway  
New York, NY 10036  
Attn.: Fran M. Jacobs, Esq.